

FILED
CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

FILED Nov 08, 2011
AT 02:37:22 pm
BOOK 01590
START PAGE 1096
END PAGE 1099
INSTRUMENT # 10303
EXCISE TAX (None)

BOOK 1590 PAGE 1096

Prepared by and return to:

Grayson G. Russell, Attorney at Law
Morris, Russell, Eagle & Worley, PLLC
P.O. Box 19001
Raleigh, NC 27619

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

FIFTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE HAMPTONS SUBDIVISION

This Amendment, made this 8th day of November, 2011, by Windjam 23, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant".

WHEREAS, Declarant caused to be executed and recorded the Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1329, Page 1117, Chatham County Registry, hereinafter referred to as the "Declaration"; and

WHEREAS, Declarant caused to be executed and recorded The First Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1337, Page 495, Chatham County Registry, hereinafter referred to as the "First Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1343, Page 698, Chatham County Registry, hereinafter referred to as the "Second Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Third Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1471, Page 777, Chatham County Registry, hereinafter referred to as the "Third Amendment";

WHEREAS, Declarant caused to be executed and recorded The Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1551, Page 758, Chatham County Registry, hereinafter referred to as the "Third Amendment";

WHEREAS, Declarant desires to amend said Declaration;

WHEREAS, Declarant currently is the owner of greater than seventy five percent (75%) of the Lots in the Hamptons Subdivision; and

WHEREAS, Declarant desires to amend Article X, Section 5 of the Declaration to restrict "for sale" or "for rent" signs on Lots as more specifically set forth below.

NOW, THEREFORE, Declarant by virtue of its authority under Article XI of said Declaration amends said Declaration by deleting Section 6.20 in its entirety and replacing it as follows:

1. To amend Article VII, Section 7.08 of the Declaration by deleting that section in its entirety and inserting in lieu thereof the following (new language appears in bold type):

"Section 7.08. Signs. No Owner shall display, or cause or allow to be displayed, to public view on his Lot any sign, placard, poster, billboard, or identifying name or number on any portion of a Lot, the Common Area or the right-of-way of any street or road within the Properties except as permitted in this Declaration or as required by Chatham County. **Unless otherwise approved in writing by Declarant, and until one (1) year after the Declarant Control Period ends, no "for sale" or "for rent" sign or any other sign advertising a Lot or home for sale or rent shall be allowed on a Lot other than those posted by Declarant or any affiliated companies of the Declarant with shared ownership. No Owner, Realtor, bank, builder (not affiliated with the Declarant) or anyone acting on behalf of an Owner may place such signs on Lots without the express written consent of the Declarant during this time period. This shall not be deemed or construed to prohibit political signs of not more than ten (10) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than forty five (45) days before such election and shall be removed within seven (7) days after such election.** During the development of the Properties and the marketing of Lots, the Declarant, builders and their realtors may maintain offices and may erect and display such signs and banners as the Declarant deems appropriate as aids to such development and marketing provided that such signs do not violate any applicable laws. The Board of Directors may

adopt additional Rules and Regulations concerning the color and placement of signs by Owners other than the Declarant. A sign advertising a yard sale or other temporary activity may be displayed on a Lot for no more than twenty-four (24) consecutive hours. Notwithstanding the foregoing, the Board of Directors has the authority to require any sign, other than a sign maintained by the Declarant, be removed if it determines, in its sole discretion, such sign to be detrimental to the Properties. Easements are reserved as shown and designated on the recorded Maps of the Properties to erect and construct entrance signs and landscape or streetscape areas.

2. This Amendment shall be effective upon recordation in the Office of the Chatham County Registry.

3. Except as herein amended all the terms and conditions, restrictions and benefits of said Declaration, as amended, shall remain in full force and effect as to the properties subjected to the Declaration.

This the 8th day of November, 2011.

WINDJAM 23, LLC, a North Carolina limited liability company.

BY: Rex Vick, Jr. Manager
Rex Vick, Jr., Manager

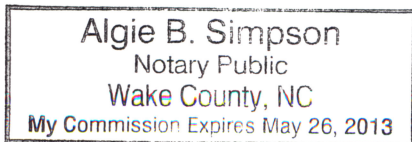
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, and; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

REX VICK JR.
Name(s) of principal(s)

Witness my hand and official seal, this the 8th day of NOVEMBER, 2011.

(Official Seal)



Algie B. Simpson
Official Signature of Notary

Algie B. Simpson, Notary Public
Notary's printed or typed name

My commission expires: May 26, 2013

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HAMPTONS SUBDIVISION

By authority of its Board of Directors, Hamptons Owners Association, Inc., hereby certifies the foregoing instrument has been duly approved by the Owners of sixty-seven percent (67%) of the Lots of The Hamptons and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions of The Hamptons.


This the 8th day of November, 2011.

HAMPTONS OWNERS ASSOCIATION, INC.



President

Attest:



Secretary